

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT SALLEY,

Defendant.

Case No. CR20-220RSL

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS  
DATES

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial Pretrial Motions Dates." Dkt. # 19. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 19 at 5, the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: specifically, that substantial discovery has been provided, that defense counsel requires additional time to investigate, and that there is a possibility that defendant will undergo a psychosexual evaluation, which normally takes two to three months to complete. Dkt. # 19. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. Considering the recommendations made by the Centers for Disease Control and Prevention ("CDC") and Public Health for Seattle and King County regarding social distancing measures and restrictions required to stop the spread of disease, at this time it is not possible to proceed with a jury trial in this case. See W.D. Wash. Gen. Order Nos. 15-20, 18-20. Due to the  
ORDER GRANTING UNOPPOSED MOTION TO CONTINUE  
TRIAL AND PRETRIAL MOTIONS DATES - 1

1 Court's reduced ability to obtain an adequate spectrum of jurors, and the impact of the  
2 aforementioned public health recommendations on Court operations, the Court finds that a  
3 failure to continue the trial date in this case would likely result in a miscarriage of justice, as set  
4 forth in 18 U.S.C. § 3161(h)(7)(B)(i).

5 3. The Court finds that the additional time requested between February 22, 2021 and the  
6 proposed trial date of May 3, 2021, is a reasonable period of delay. The Court finds that this  
7 additional time is necessary to provide defense counsel reasonable time to prepare for trial,  
8 considering all the facts set forth above.

9 4. The Court further finds that this continuance would serve the ends of justice, and that  
10 these factors outweigh the best interests of the public and defendant in a speedier trial, within  
11 the meaning of 18 U.S.C. § 3161(h)(7)(A); see also W.D. Wash. Gen. Order Nos. 15-20, 18-20.

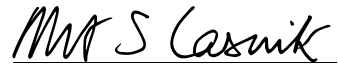
12 5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy  
13 trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right  
14 and consented to the continuation of his trial to a date up to and including June 3, 2021, Dkt.  
15 # 19 at 5, which will permit his trial to start on May 3, 2021.

16 IT IS HEREBY ORDERED that the trial date shall be continued from February 22, 2021,  
17 to May 3, 2021, and pretrial motions are to be filed no later than April 2, 2021.

18 IT IS FURTHER ORDERED that the period of time from the current trial date of  
19 February 22, 2021, up to and including May 3, 2021, shall be excludable time pursuant to the  
20 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and  
21 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.  
22 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B)(i), (iv).

23 IT IS SO ORDERED.  
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1 DATED this 2nd day of February, 2021.

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4 Robert S. Lasnik

5 United States District Judge  
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